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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/420,491	10/19/1999	HIDEKAZU TAKEYAMA	040679/0951	2877

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EXAMINER

RAJGURU, UMAKANT K

ART UNIT	PAPER NUMBER
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1711

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DATE MAILED: 03/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

T.D-11

Office Action Summary

Application No.

Applicant(s)

Examiner

Group Art Unit

--The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address--

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on Oct 29, 2001 (paper no 10)
- ☒ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-12 is/are pending in the application.
- Of the above claim(s) 3-9 is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1, 2 and 10-12 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s) _____
- ☐ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

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DETAILED ACTION

1. An amendment (paper no. 10) has been ^{filed} filed on October 29, 2001.
2. Claims 1-12 are pending, out of which claims 1-2 and 10-12 are under examination.
3. ^{under} Rejection of claims 1 and 2 ~~under~~ 35 USC 102(b) (see previous office action, paper no. 8, pages 3 and 4, items 4 and 5) is now withdrawn following persuasive arguments by the applicants.
4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 1, 2 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lakshmanan et al (USP 48575594).

This rejection (also applicable to new claims 10-12) is incorporated by reference from prior office action paper no. 8 item 3.

6. Applicant's arguments filed October 29, 2001 (paper no. 10). have been fully considered but they are not persuasive.

On page 3, paragraph 4, the applicants argue that Lakshmanan does not disclose (claimed) hydrocarbonic plasticizer. This argument is not persuasive since Lakshmanan in col. 5, lines 7-18 discloses low mol wt polybutenes, polyisobutylenes, paraffin and waxes which are hydrocarbonic plasticizers. Instant specification lists these compounds as hydrocarbonic plasticizers. applicants other argument on page 4, paragraph 7, that "Lakshmanan does not use these substances as hydrocarbonic plasticizer" is not persuasive because it is immaterial whether

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WLL a particular substance is used to serve one function or other. The fact remains that Lakeshmanan does teach those substances as ingredients of a composition.

On page 4, paragraph 2, the applicants have shown that the amounts taught by Lakshmanan are not exactly same as those that are instantly claimed. It is the examiner's position that it is within the skill of one of ordinary skill in the art to use such variations in the amounts from those that are disclosed in prior art in order to optimize the performance of end products. Applicants' contention about the amounts therefore, though true, is not conducive to establish nonobviousness of instant claims.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to U.K. Rajguru whose telephone number is (703) 308-3224. The examiner can normally be reached on Monday-Friday from 9:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James J. Seidleck, can be reached on (703) 308-2462. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310/9311.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661



UKRajguru:evh

2/26/02

